



May 19, 2015

SENATE COMMITTEE ON JUDICIARY

Senator Floyd Prozanski, Chair

Senator Jeff Kruse, Vice-Chair

President Pro Tempore Ginny Burdick

Senator Sara Gelser

Senator Kim Thatcher

Testimony by Linda Smith, Founder and President, Shared Hope International
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)
Re: SUPPORT OF HB 3040 RELATING TO ADMISSIBILITY OF HEARSAY
STATEMENTS

DATE: Tuesday, May 19, 2015

TIME: 8:30 a.m.

PLACE: 900 Court Street NE, Room 343, Salem, Oregon 97301

Dear Senate Committee on Judiciary:

Shared Hope International is an anti-trafficking organization focused on combating the egregious crime of child sex trafficking through comprehensive, victim-centered approaches. By working alongside first responders and policymakers to fight juvenile sex trafficking, we have found that children from all types of home environments and socioeconomic statuses are vulnerable to the manipulative approaches used by traffickers who pose as boyfriends, recruiters for modeling agencies, and the like.

House Bill 3040 would establish a study by the Oregon Law Commission to consider the law of hearsay with respect to sex trafficking cases. Providing a hearsay exception for victims of human trafficking could significantly strengthen Oregon's ability to combat human trafficking and better bring justice to victims. An exception for human trafficking cases would help ensure that perpetrators cannot hide behind their own wrongdoing of psychological manipulation and violence that often serve to silence victim-witnesses. Indeed, tactics used by traffickers, such as

threats and violence, to gain and maintain control over victims often leave victims unable to confront their exploiters in-person during a trial. Consistent with the effects of trauma bonding, victims may even deny previous truthful statements regarding their abuse.

Furthermore, testifying in a public courtroom about sexual acts, and enduring grueling cross-examinations, can cause severe psychological and emotional harm for survivors. Such re-traumatization can render survivors of human trafficking and sexually-exploited children unable to withstand testifying in court. A hearsay exception would better equip prosecutors to bring exploiters to justice without necessarily re-traumatizing victims.

The Oregon Law Commission would be able to fairly and expertly review and analyze legislative options to allow recorded phone conversations or text messages between a victim and a buyer or trafficker which often include unique, relevant, credible, incriminating pieces of evidence. A report from the Commission before next year's legislative session would provide critical evaluations and advice for legislators in the drafting of future bills designed to better hold human traffickers accountable.

We encourage you to take this step toward knocking down the system barriers that are preventing victims of sex trafficking from receiving justice and the protections they deserve.

Sincerely,



Founder and President, Shared Hope International
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)